

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**THOMAS FINLEY,**

**PETITIONER,**

**V.**

**JAMES CROSS,**

**RESPONDENT.**

**No. 11-cv-1069-DRH-PMF**

**MEMORANDUM AND ORDER**


**HERNDON, Chief Judge:**

Before the Court is a Report and Recommendation (“R&R”) (Doc. 29), issued on January 3, 2013, by United States Magistrate Judge Philip M. Frazier recommending granting respondent’s motion to substitute party (Doc. 19) and that the case be transferred to the United States District Court for the Eastern District of Arkansas. Petitioner filed his petition for a writ of habeas corpus (Doc. 1) when he was confined in the Federal Correctional Institution in Greenville. Subsequently, petitioner was transferred to Forrest City Federal Correctional Institution in Arkansas. The proposed party to substitute is the warden at Forrest City. The R&R recommends granting of respondent’s motion to substitute as no appropriate respondent remains in this District. The R&R further recommends transfer of the case to the Eastern District of Arkansas, as this Court lacks personal jurisdiction over the petitioner’s immediate respondent.

Upon issuance, the R&R was sent to the parties with a notice informing them of their right to appeal by way of filing objections within fourteen days of service (See Doc. 29-1). Thus, the parties' objections required filing by January 22, 2013. Neither party filed timely objections to the R&R. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Accordingly, the Court **ADOPTS** the R&R (Doc. 29) in its entirety and grants respondent's motion to substitute and transfers the case to the United States District Court for the Eastern District of Arkansas.

**IT IS SO ORDERED.**

Signed this 28th day of January, 2013.

 David R.  
Herndon  
2013.01.28  
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**Chief Judge**  
**United States District Court**